

# The Orissa Gazette



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**IN THE COURT OF THE ASSISTANT COMMISSIONER OF ENDOWMENTS  
BHUBANESWAR**

**ORDER**

The 6th June 2011

Present :

Shri Raja Ranjan Padhi, O.J.S.-(I),  
Assistant Commissioner of Endowments,  
Bhubaneswar.

In the matter of :

Sri Jagannath Ballav Math,  
At Dandimal Sahi, Puri Town,  
Dist. Puri,  
Index No. 820-P.

O.A. Case No. 1/2011 under Section 42(6) of the Orissa Hindu  
Religious Endowments Act, 1951

No. 7—This amendment petition having come on for final disposal before the Assistant Commissioner of Endowments, Bhubaneswar. It is hereby ordered as follows :—

Whereas, the Assistant Commissioner of Endowments is satisfied that the Institution of Sri Jagannath Ballav Math, At Dandimal Sahi, P.O. Puri Town, Dist. Puri cannot be effectively managed under the general provisions of the Orissa Hindu Religious Endowments Act, 1951 and the existing Scheme of Administration framed for the Institution. He after consultation with the Trustees and persons having interest feels that amendment are necessary for better and effective management of the Institution and hereby settles the following amended Scheme of Administration under Section 42(6) of the O.H.R.E. Act, 1951.

## **SCHEME**

This amended Scheme shall be called the Scheme of Administration of Sri Jagannath Ballav Math, At Dandimal Sahi, P.O. Puri Town, Dist. Puri and shall come into force after publication in *Orissa Gazette* and publication at the spot whichever is later.

2. In the Scheme if not inconsistent with the context, the Act means the Orissa Act 2 of 1952 and the rules framed thereunder as amended from time to time. The word 'Net income' means the

income remaining for expenditure after payment of Government and other public dues such as Contribution, Audit fees, Land Revenue and if there are any loans payable. 15% of the same and all other words and expressions used herein shall have the respective meanings assigned to them in the Act.

3. The said temple with its endowments shall be administered by a Board of Trustees not exceeding seven in number to be appointed by Assistant Commissioner of Endowments, who shall hold office for such period not exceeding two years as may be fixed by him.

4. The Board of Trustees shall be a body corporate and all suits and proceedings by or against the said Board shall be conducted in the name of Executive Officer on behalf of the said Board.

5. (a) The Assistant Commissioner of Endowments may remove any of the Member of the Board at any time for persistent default in submission of Statutory Returns or in payment of Contribution dues and other Government dues or for wilful disobedience of any order issued under the provisions of the Act or for any malfeasance, misfeasance, breach of trust, neglect of duty in respect to the Trust or alienation of trust properties in contravention to the provisions of the Act or for improper dealing with the properties of the Institution or any other sufficient cause without assigning any reason should he find it necessary in the interest of the Institution and record a proceeding to that effect.

(b) In case any Member of the Trust Board is found to remain absent in meeting of that Board in three consecutive occasions despite notice to attend, he shall automatically cease to be a Trustee with effect from such date as will be fixed by the Assistant Commissioner of Endowments, unless there are reasonable grounds for not attending the meeting to the satisfaction of the Assistant Commissioner of Endowments.

6. Any vacancy or vacancies occurring in the office of the Trustees during or at the end of the said or subsequent period shall be filled up by the Assistant Commissioner of Endowments.

7. The Members of the Board shall elect a President from among themselves and send the resolution to the Assistant Commissioner of Endowments for approval.

8. Every meeting of the Board shall be presided by the President and in his absence by a member chosen by the meeting to preside for the occasion.

9. (a) The meeting of the Board shall be convened by the President on giving adequate notice to the other Members.

(b) If the President fails to convene a meeting of the Board for two consecutive months from the date of last meeting, any two Members of the Board may convene the meeting by giving adequate notice to the other Members. In case no such meeting is convened either by President or by Board members for three consecutive months, the Assistant Commissioner of Endowments or any person authorised by him shall have power to call such meeting. Any such meeting should be deemed to be a meeting called by the Board and in such a meeting, no quorum will be necessary.

(c) The quorum for a meeting of the Board shall be ordinarily four.

10. The Board shall meet at least once a month within the premises of the Institution for passing the accounts of the previous month and for sanctioning the necessary expenditure and for considering any other matter connected with the management of the Institution.

11. All questions arising at a meeting of the Board shall be decided by a majority of votes of the Members present thereat and in every case of equality of votes, the President or the person presiding the meeting shall have and exercise casting vote.

12. The proceeding of the meeting held shall be recorded in a book to be kept for the purpose and shall be signed by all Members present. Copies of the resolutions shall be submitted to the Assistant Commissioner of Endowments for approval. Any decision with regard to establishment of the Institution shall be operative only after approval of the Assistant Commissioner of Endowments.

13. Subject to the provisions of the Scheme and to the control of the Board, the Executive Officer shall manage the properties and affairs of the Institution and arrange for the conduct of the daily worship and ceremonies and festivals of the temple according to usages.

14. (a) The Executive Officer shall be appointed by the Assistant Commissioner of Endowments.

(b) The Assistant Commissioner of Endowments may remove, suspend, dismiss or fine and reduce the Executive Officer for neglect of duty, breach of trust, incapacity, misconduct, disobedience of lawful orders or other sufficient cause.

(c) The Executive Officer shall be whole time officer of the temple and shall not undertake any work unconnected with his office without permission of the Assistant Commissioner of Endowments.

(d) He shall be paid out of the funds of the temple such salary as may be fixed by the Assistant Commissioner of Endowments.

(e) He shall furnish a cash security as may be fixed by the Assistant Commissioner of Endowments at the time of appointment.

15. (a) The Executive Officer shall be responsible for the custody of all records and properties including cash and valuables of the temple and shall arrange for the proper collection of the offerings made in or at the temple.

(b) The valuables and valuable securities may be kept under double lock in custody of the President of the Board and the Executive Officer of the Institution.

16. Subject to the approval of the Trust Board, the Executive Officer—

(a) May lease out the lands and building of the temple which are ordinarily leased out for a period not exceeding five years.

(b) May call for tenders for works and supplies and accept such tenders.

(c) May in case of emergency, direct the execution of any work or the doing of any act which is not provided in the budget for the year or in the proceedings of the meeting and the immediate execution or doing of what is in his opinion necessary for the preservation of the properties of the temple or for the service or for the safety of the pilgrims resorting to the temple or for the due discharge of the Seva Puja of the deities in the temple and may direct that the expenses of executing such work or doing the act shall be paid from the funds of the temple. Such action should be got approved by the Board in the subsequent meeting of the Trust Board.

17. The Executive Officer may make temporary provision if and when necessity for carrying on of the duties of a hereditary office if they are not executed by such office holder either wilfully or due to his death or absence. The matter shall be reported to the Board at the next meeting.

18. The Executive Officer may fine, reduce, suspend, remove or dismiss any non-hereditary servant of the temple for neglect of duty, breach of trust, carelessness, indiscipline or other misconduct subject to the final approval of the Trust Board.

19. (a) The Board may fine, suspend, remove or dismiss any of the hereditary office holders and servants including Sevaks for breach of trust, incapacity, disobedience of lawful orders, neglect of duty, misconduct or other sufficient cause.

(b) The servant so punished under Clause 18 or 19(a) may appeal to the Assistant Commissioner of Endowments within a month from the date of communication of the order of punishment and the Assistant Commissioner's decision shall be final.

20. The Board shall take necessary steps to recover the temple lands from whomsoever in possession thereof, free from all encumbrances created by them or any person claiming under them, if necessary by filing suits after obtaining previous sanction of the Assistant Commissioner of Endowments.

21. The expenditure to be incurred on daily services and festivals shall be in accordance with a dittum (the scale of expenditure) which shall be prepared and submitted for approval of the Assistant Commissioner of Endowments.

22. If the dittum for the time being in force exceeds 50% of the net income of the Institution, it shall be modified in accordance with Section 34 of the O.H.R.E. Act, 1951.

23. The establishment charges shall not exceed 20% of the net income of the Institution.

24. (1) The Executive Officer shall in every year prepare in the prescribed form, a budget estimate of the receipts and expenditure of the temple for the following year and place the same before the Board who may furnish it to the Assistant Commissioner of Endowments with their recommendation for approval.

(2) Copies of the Budget as recommended by the Board shall be sent to the Assistant Commissioner of Endowments before two months preceding the last month of the fasli year.

25. The Budget shall provide for a sum of not less than 5% of the net income of the Institution for the purpose of effecting petty repairs and white washing annually and an equal sum of 10% to be set apart for Charity.

26. The Budget shall also provide for a sum of 5% to be set apart as a reserve fund to be utilised for any capital construction with prior approval of the Commissioner of Endowments.

27. The Budget shall provide for a sum of 5% of the net income for other miscellaneous charges like electric charges, purchase of utensils and other heads of expenditures for which specific funds has not been allocated.

28. The balance 5% shall be kept as reserve fund for meeting unforeseen liabilities.

29. The Board shall on or before the 31st of August in each year submit to the Commissioner of Endowments, an income return for the purpose of assessment of contribution.

30. (a) The Board shall prepare a list of all specific endowments of Sri Jagannath Ballav Math with particulars as to the name of the donor, the name of the Trustee, the object of the grant, its date and other relevant facts.

(b) The Board shall supervise the administration of all the specific endowments through the Executive Officer who shall bring to the notice of the Board all cases of delinquency promptly for necessary action.

31. By the 1st of June in each year, the Board shall submit to the Assistant Commissioner of Endowments a report of the administration of the Institution and the endowments during the preceding year briefly indicating the developments effected to the Institution and its financial position.

32. The Accounts of the Institution shall be audited every year by an approved Auditor appointed by the Commissioner of Endowments for the purpose.

33. The Board may delegate to the Executive Officer such of its powers, duties or functions as may be provided by the Act and Rules made thereunder.

34. If for any reason the Board does not properly function, the Executive Officer shall manage the Institution under the instructions of the Assistant Commissioner of Endowments.

35. The President of the Board shall take upon himself the functions of the Executive Officer in the latter's absence either on leave or otherwise.

36. All offerings in cash or kind or live stock made to Sri Jagannath Ballav Math and its endowments shall form part of the Endowment of Jagannath Ballav Math and the Board shall take possession of the same.

37. In the management of the affairs of the Institution, the preparation and submission of the dittum (or scale of expenditure) and the annual Budget, the maintenance of Accounts, the investment of surplus funds and in incurring of loans and alienation of the lands of the Institution, the Board shall be bound by the provisions of the O.H.R.E. Act, the rules duly made or deemed to be made thereunder and all such lawful directions as may be issued by the Assistant Commissioner of Endowments from time to time.

38. Save in so far as expressly provided therein, the Board for Trustees shall have all the right and powers and shall discharge all the duties provided by the said Act and Rules made thereunder.

39. Any doubt or ambiguity arising out of the aforesaid provisions of the Scheme shall be decided by the Assistant Commissioner of Endowments and such decision shall be final.

40. The Assistant Commissioner of Endowments reserves the right to add, modify, alter or repeal any of the said provisions of the Scheme if so needed in the interest of the Institution subject to the provisions of the O.H.R.E. Act, 1951.

Pronounced in the open Court today, the 6th June 2011.

R. R. PADHI

6-6-2011

Asst. Commissioner of Endowments  
Bhubaneswar

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Dictated and corrected by me.

R. R. PADHI

6-6-2011

Asst. Commissioner of Endowments  
Bhubaneswar